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ABSTRACT

Has faculty collective bargaining really affected campus governance processes? This study answers that question by studying opinions and contracts at six representative community college campuses in upstate New York. Findings of the study indicate that collective bargaining helped to produce changes in grievance procedures, faculty participation in the decision-making process, and in policies relative to academic freedom. Changes were also noted as to opinions about tenure and promotion policies. A high percentage of faculty and administrators indicated that formal tenure policies had been established on their campuses prior to collective bargaining. A large proportion reported that after the introduction of collective bargaining a formal written policy on tenure had been established. (Author/MJM)

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COLLECTIVE BARGAINING: ITS EFFECTS ON CAMPUS GOVERNANCE

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Trustees, professors and students are asking, "Has faculty collective bargaining really affected campus governance processes, and if so, in what way?" Mike Falcone has answered this question for community colleges by making a definitive study of opinions and contracts at six representative campuses in upstate New York. The results reported herein should be of interest to any campus considering faculty unionization and to unions interested in representing a faculty.

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In 1967, the Public Employees Fair Employment Law (Taylor Law), which provided employees of public educational institutions the right to organize and bargain collectively with their employers relative to salaries and working conditions, was passed in New York State. With the passage of the Taylor Law, New York State became one of the first states to legalize and specify conditions of bargaining for its public employees. By February 1971, twenty-four of twenty-nine upstate community college faculties, plus eight units which comprise the City University of New York (CUNY), had taken advantage of the opportunity to bargain collectively relative to salary and conditions of employment. One of the major questions raised by the process of collective bargaining in higher education is: What effects has academic collective bargaining had on the "traditional" governance structure of an institution?

In 1973-4, the author undertook a year-long study to answer this question by examining the views of faculty and administrators in six upstate New York Community Colleges.[1] Specifically, two outcomes were sought: first, an identification of governance changes thought to have occurred during the period collective bargaining was in effect; and second, an estimation of the influence which faculty negotiations had in bringing about those changes. A Collective Bargaining Opinion Survey designed by the author was used to elicit opinions from participants. Negotiated contracts were analyzed to identify areas of governance included in the collective bargaining process and to verify the data provided by faculty and administrators responding to the Opinion Survey.

Three professional groups from each of the six colleges responded to the survey: (1)teaching faculty, i.e., professors, associate professors, assistant professors, and instructors; (2)non-teaching faculty, i.e., counselors, librarians, etc.; and (3)administrators occupying both line and staff positions. Of the total number (407) responding to the Collective Bargaining Opinion Survey, 72% of the respondents were classified as teaching faculty, 12% as non-teaching faculty, and 16% as administrators.

THE FINDINGS

It is important to state at the outset that simply because someone believes that changes took place in a given campus does not prove (or disprove) that changes actually took place. It is nevertheless important to understand the perceptions which motivate people to action. If and when faculty members in general believe that collective bargaining will produce more pay and and job security

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[1] The colleges selected for the study were considered to be characteristically representative of other community colleges in the state relative to urban/rural locations, number of faculty and administrators, student population, type of local sponsor, and union affiliation.

they are more likely to vote for unionization. It is therefore important for union officials, faculty members and college administrators to seek information as to human perception of collective bargaining on campuses where there has been extensive experience.

Faculty and administrators were asked whether, in their opinion, collective bargaining has produced changes in governance structures at their institutions. Only those who were employed prior to collective negotiations, or were knowledgeable about conditions which existed before the advent of collective negotiations at the colleges studied were requested to respond to this set of questions.[2]

The data collected supports the contention that collective bargaining helped to produce substantial changes in grievance procedures, faculty participation in the decision-making process, and in policies relative to academic freedom.

Approximately 50% of those responding indicated that some formal grievance procedures did exist prior to collective bargaining. However, 92% of the faculty and administrators reported formal grievance procedures existed after collective bargaining.

Faculty and administrators were asked whether or not the faculty and administration shared equally in decision-making in a variety of areas. Of the total responding to these statements, 33% indicated that faculty and administrators shared equally in decision-making before collective bargaining; 63% after collective bargaining. It should be noted that a significant number of faculty and administrators were unsure in their responses thereby giving the impression that collective bargaining had not removed all doubt about who makes decisions on those campuses.

Regarding a formal policy on academic freedom, 42% believed that their institution had some form of an established policy prior to collective bargaining, while 34% reported that a formal policy did not exist. Approximately 61% reported that after collective bargaining, a formal written policy had been established, while 20% reported it had not.

Changes were also noted as to opinions about tenure and promotion policies. A high percentage (66%) of faculty and administrators indicated that formal tenure policies had been established on their campuses prior to collective bargaining. Again, however, 88% reported that after the introduction of collective bargaining a formal written policy on tenure had been established.

It also appeared to 64% of the respondents that collective

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[2] Field checks were included in the survey to assure reliability of the data collected.

bargaining had served as an important catalyst in the establishment of a more formalized, written governance structure at their institutions.

Both faculty and administrators indicated some uncertainty as to the extent of their roles in the decision-making process. Slightly more than 50% believed that the bargaining process had more clearly defined the respective roles and responsibilities of faculty and administrators. Yet, 58% were uncertain as to whether or not they had achieved equal input into the decision-making process. This apparent contradiction may have resulted because all of the many roles and responsibilities of faculty and administrators had not yet been subject to negotiations. Although many faculty today believe they have a greater voice in policy and decision-making in these institutions, the study indicates that the concept of "shared-authority" has not been fully achieved, a condition which may change as faculty policy-making and negotiating skills improve.

Data collected also showed that in the views of an overwhelming majority of respondents(83%), the collective bargaining process produced change in faculty-administration relationships. About 64% felt that this change was toward an adversary relationship. Adverse relationships may be inherent in the industrial-type bargaining process which is still prevalent in higher education. One would hope that professionals in higher education will develop methods of bargaining more consistent with the principles of shared governance, collegial relationships, and common goals.

Faculty and administrators who participated in the study were also uncertain as to whether the collective bargaining process increases campus confusion and instability. Respondents were almost evenly divided (42% agreeing, 44% disagreeing) over whether a confusion of roles had been created among faculty and administrators and between campus senate and faculty union.

The faculty senate, once touted as a major mechanism of self-government, does not, in most cases, operate from as strong a power base as the faculty union. The senate is viewed generally as a deliberative body which formulates and recommends policy to the president or board of trustees which, in turn, may accept or reject recommendations. The faculty union, on the other hand, is gaining recognition as a legal entity capable of making an enforceable contract and effectively guarding faculty rights even in times of economic recession. Nevertheless, the very existence of both a senate and a union appears to create confusion over their respective roles and responsibilities.

Faculty members and administrators working within such environments also acknowledged some confusion as to precedence and authority of established by-laws as compared with the negotiated contract. At times the two may be in conflict and when they are determination of precedence and priority can prove to be time

and emotion consuming, perhaps contributing to the adverse relationships mentioned earlier. On the other hand each grievance settled and each subsequently negotiated contract should help to clarify the specific issues.

A majority of respondents (53%) to the Collective Bargaining Opinion Survey believed that the union movement had enhanced the status of the faculty member by producing greater political power and 56% indicated that without a union, faculty would have little or no voice in decision-making. More important, perhaps, is the fact that 66% believed that the union provided the political influence necessary to achieve equitable economic improvements which otherwise would not have been possible. Since there is evidence that faculty originally looked to labor unions primarily for economic benefits, the increased strength in the decision-making processes may be considered by faculty as a favorable by-product of the collective bargaining process. What also seems apparent is that faculties, prior to the Taylor Law, were unable to procure what they considered to be adequate economic advancement through normal administrative channels.

Today, with the attainment of economic and job security, faculty members indicate that they are tending to turn more attention to increasing their influence in campus governance. Although some changes have been made, data from the study indicated that administrators in those six institutions still seem to have final authority in personnel decisions and policy determination. In addition, with many colleges facing severe financial crises, the rate of unionization and the movement for increased power by faculty seems to have slowed.[3]

The relationship established between the local government sponsor and the institution is an important aspect in the whole governance scheme. A majority (64%) of the faculty and administrators who responded to the survey indicated that local government sponsors exerted significant influence over matters which relate directly to the internal campus governance during contract negotiations. In public institutions where local sponsors act as third (or first) parties to contract negotiations between faculty and administrators, active participation in campus affairs by such representatives has become common and in some cases has jeopordized the integrity and collegial processes of the institution. In addition, government sponsors, often politically oriented, tend to impose on the campus the industrial bargaining model with which they are familiar. The seemingly unsatisfactory nature of this model for collective bargaining in higher education

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[3] Semas, Philip W., "Faculties at the Bargaining Table," The Chronicle of Higher Education, Vol. 8, No. 10, p. 9.

is supported by the fact that 63% of all respondents believed that the local sponsor as third party to the labor negotiations contributed much to the adverse relationships during periods of negotiation.

Although the majority of respondents did not believe that the collective bargaining process created a danger to campus integrity through the loss of campus authority to "external forces," administrators especially believed that such a danger does exist. This divergence of opinion may be explained by the fact that, generally, it is the administration of an institution which must deal daily with the "outside forces." Faculty members, in most cases, are not often required to work directly with government officials, and therefore, may not be able to perceive the full impact of politically elected or appointed officials exercising their authority within the halls of academe. The pronounced concern of administrators probably warrants a comprehensive study of the methods, purposes and effects of this political intrusion upon educational expenditures, employment practices, and educational policy.

SUMMARY

Collective bargaining has become one of the important instruments by which professors may make their influence equal to that of administrators in regard to vital questions of salary, promotion, tenure, academic freedom, and other conditions of employment. Its very presence tends to prevent college administrators from making unilateral decisions about personnel matters. In addition, negotiations on bargainable issues of employment generally have led to negotiations on matters of educational policy.

To the extent that faculty have participated more fully in personnel and educational decisions, one might conclude that the concept of shared authority has been advanced by collective bargaining. To the extent that outside political influences are affecting campus decisions, one might say that collegial processes are endangered. It is apparently a moot question as to whether or not an adversary relationship promotes or injures collegial governance.

It is important, therefore, that as more and more colleges initiate collective negotiations, the parties identify those aspects of campus governance which they wish to strengthen and then direct their bargaining toward those ends, avoiding actions that invite unnecessary interference from outside influences. It seems only reasonable that when college personnel are made aware of the utility and limitations of the collective bargaining process, the possible negative effects which occur may be minimized and constructive working relationships among various college constituencies encouraged and maintained.